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September 28, 2022

Via CM/ECF Filing

The Honorable Analisa Torres
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

Re: *Sabby Volatility Warrant Master Fund Ltd., et. al. v. Kiromic Biopharma, Inc., et. al.*
 (S.D.N.Y. Case No. 1:22-cv-01927)

Dear Judge Torres,

Without waiving the pending Motion to Dismiss the First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(2), Rule 12(b)(6), and Rule 9(b) [ECF No. 94] and subject to that motion, on behalf of specially-appearing defendants Michael Nagel, Jerry Schneider, Americo Cicchetti, and with permission of counsel for defendants Maurizio Chiriva, Gianluca Rotino, Pietro Bersani, and Kiromic BioPharma, Inc., I write with respect to the schedule in the above-captioned action.

The parties are engaged in discussions that hopefully will resolve this litigation. As a result, counsel for plaintiffs Sabby Volatility Warrant Master Fund Ltd. (“Sabby”) and Empery Asset Master, Ltd., Empery Tax Efficient, LP, and Empery Tax Efficient III, LP (“Empery”) have agreed to a one-week extension of all defendants’ time to respond to Plaintiffs’ Opposition to defendants’ motion to dismiss [ECF No. 101].

In accordance with Part I-C of Your Honor’s Individual Practices in Civil Cases, I note that (1) the current deadline to reply to Plaintiffs’ Opposition is Monday, October 3, 2022 (*see* ECF No. 83); (2) a one-week extension would allow defendants to preserve resources for potential resolution; (3) this request is the first that has been made with respect to the defendants’ time to file a reply brief, and the first extension request I have made on behalf of our individual clients in this matter, although the Company and plaintiffs agreed previously to a 30-day extension to answer or otherwise respond to the complaint that was deemed applicable to all defendants; (4) the Court previously granted the aforementioned request that the Company made with consent; and (5) on September 28, 2022, counsel for plaintiffs Sabby and Empery consented to this request as to all defendants.

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Given the circumstances described above, together with plaintiffs' consent, we respectfully request that Your Honor grant the defendants' request for a one-week extension. Defendants hereby reserve their right to request additional time, if needed.

Thank you for the Court's attention to this request, and we are available for any questions that Your Honor may have.

Respectfully submitted,

/s/ Yolanda Garcia

CC: All counsel of record (via ECF)

GRANTED.

SO ORDERED.

Dated: September 29, 2022
New York, New York



ANALISA TORRES
United States District Judge